

REMARKS

Claims 1-9 are pending and stand rejected under 35 U.S.C. §103(a) as being unpatentable over Furr et al. (US 4,025,073) in view of Ringer (US 1,481,560).

At the outset, Applicant disputes that the Examiner has established a *prima facie* case of obviousness under §103(a) based on this combination. While Applicant acknowledges that Ringer '560 discloses an article of furniture having panels received in slots formed within legs, the age of this reference cannot be ignored when considering obviousness. Ringer was patented nearly 90 years ago. During that period of time, there have been numerous game table constructs as evidenced by the volume of prior art made of record by the Examiner. Undoubtedly, Ringer does not represent the only time in the last 90 years that an article of furniture incorporated slotted legs with side panels received therein. Yet, even assuming this to be the case, it is illuminating that game table constructs have not incorporated this feature. Game tables that are static (non-modular) in their design have apparently not utilized this design feature; nor have those game table apparatuses which are modular in construction and allow for different types of game playing environments. The age of the Ringer reference, coupled with the different direction other game table manufacturers have taken in designing their apparatuses, militates against a finding of obviousness for claims 1 & 18 under 35 U.S.C. §103.

As can be appreciated from Applicant's description and accompanying figures, the present design is easily assembled and versatile. The Examiner's attention is directed to the following excerpt from the background which discusses some of the drawbacks of existing designs which the present invention addresses:

Typically table games configured as conventional tables, having four legs with the table top serving as a playing surface. Many of these games, such as table hockey, foosball and others are sold in an unassembled state and require complex assembly by the purchaser. Many of these games utilize control rods that are to be manipulated by players to control the movement of strikers which are often configured as small models of human players. During the assembly of such games, the intricate parts of these control rods cannot be inserted into the table assembly and cannot therefore be pre-assembled for convenience of the purchaser. Moreover, these game assemblies are constructed such that only one game may be played per table. Since many homes have limited space for such table games, it is difficult for families to have a variety of self-standing table games for

varied entertainment activities. While some game tables are provided to allow multiple games to be played, such assemblies may be more expensive than many consumers can afford.

Thus, there is a need for gaming tables that are simple in construction and are easy to assemble. There is also a need for simplified gaming table assemblies that can be reconfigured and converted into different games. The present invention is directed to meeting such needs.

As can be appreciated from a review of the present application, the incorporation of side panels which are operative to slidably engage respective legs (a feature found in independent claims 1 & 18) goes a long way towards reducing the complexity of assembly by the purchaser. The same holds true with respect to the feature of cooperative side panels having cutouts that define openings when the panels register with one another so that rod assemblies can be received and supported by the openings. These features are found in independent claims 32 & 37, and it is noted that the office action is silent with respect to them. Accordingly, it is respectfully submitted that the Office has also failed to establish a *prima facie* case for rejecting this combination of features.

Other features are also not fully and fairly taught by the cited art, taken either alone or in combination.

The Rejection of Claims 3, 7, 20 & 24 over Furr et al. '073 in view of Ringer '560

The Examiner refers to Fig. 5 of Furr for the proposition that it shows positioning elements associated with the legs. Respectfully, the claims recite more than that. Independent claims 1 & 18 recite "positioning elements associated with each said leg and operative to position at least some of said side panels *at selected locations* along respective ones of said legs" (emphasis provided). Selective positioning of the side panels is not an available feature in Furr because the bolts affix them at a given position. Notwithstanding the above, each of claims 3 & 20 recites that "each positioning element is defined by a rod of selected length and sized for mated engagement with the slideway." Each of claims 7 & 24 recites that "each positioning element is defined by a positioning bracket that is securable to a respective said leg at selected locations therealong." The office action is silent with respect to these features which are clearly not shown in Furr's Fig. 5.

The Rejection of Claims 6 & 23 over Furr et al. '073 in view of Ringer '560

Claims 6 & 23 recite "each of said legs is formed by a pair of elongated tubular sections joined by a web, each said end profile including a slide bracket having a C-shaped portion sized and adapted to mateably engage a respective said tubular section." The office action provides no commentary as to where these features are found in the relied-upon art.

The Rejection of Claims 12, 13 & 18 over Furr et al. '073 in view of Ringer '560

Various claims are directed, at least in part, to the modular construction of the game table so that it can be configured for two different games. Claim 12 recites "said side panels include a first set of opposed side panels and a second set of opposed side panels, said first and second sets adapted for configuring two different games." Claim 13 recites "at least two floor panels adapted for configuring two different games." Independent claim 18 provides first and second sets of opposed side panels and first and second floor panels for configuring games of different types. The office action is silent as to where these features are found in the relied-upon art.

Accordingly, for at least the above reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness of the pending claims under 35 U.S.C. §103.

Based on the foregoing, Applicant submits that the present application is now in complete condition for allowance, and action to that end is courteously solicited. Should an extension of time not otherwise accounted for be required for consideration of this response, such extension is hereby requested and the Commissioner is authorized to charge Deposit Account 08-2623. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number listed below.

Respectfully submitted,

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